

REMARKS

Claims 1,8, 11 and 12 have been amended.

The Examiner has rejected applicant's claims 8 and 10-12 under 35 USC 102(e) as anticipated by the Kudo reference (US Published Patent Application Publication No. 2005/0,225,652). The Examiner has further rejected applicant's claims 1, 3, 5 and 6 under 35 USC 103(a) as unpatentable based on the later reference taken with the Shigemoto, et al. patent (U. S. Patent No. 5,469,125). The Examiner has also rejected applicant's claims 2 and 4 also under 35 USC 103(a) as unpatentable based on the Kudo reference and the Shigemoto, et al. patent taken with the Ejima, et al. reference (US Published Patent Application Publication No. 2002/0,008,765). With respect to applicant's claims, as amended, these rejections are respectfully traversed.

More particularly, applicant's independent claim 1 has been amended to recite a image pickup apparatus including a first mode for picking up an object image and a second mode for reproducing a recorded image, said apparatus comprising: an operation member which is operable toward a first position corresponding to the first mode, and is operable toward a second position corresponding to the second mode, and further itself is automatically forced to be suppressed to a third position different from each of the first position and the second position when said operation member is not operated by a user; and a control unit, which effects control of said image pickup apparatus so as to make said image pickup apparatus active in accordance with the mode corresponding to the position to which said operation member is operated to one of the first position and the second position, if said operation member is operated when said image pickup apparatus is in a non-active state, switch over the mode of said image pickup apparatus to the mode corresponding to the position to which said

operation member is operated, if said operation member is operated to one of the first position and the second position when said image pickup apparatus is in an active state and the current mode of said image pickup apparatus is different from the mode corresponding to the position to which said operation member is operated, and continue the mode corresponding to the position to which said operation member is operated to one of the first position and the second position, even if said operation member is automatically forced to the third position after said operation member is operated to one of the first position and the second position .

Independent method claim 8 has similar features and has been similarly amended.

Additionally, independent claim 11 has been amended to recite an image pickup apparatus including a first image pickup mode for picking up an object image, a second image pickup mode for picking up an object image, a first image reproduce mode for reproducing a recorded image and a second image reproduce mode for reproducing a recorded image, said apparatus comprising: an operation member which is operable toward a first position corresponding to the first and second image pickup mode, and is operable toward a second position corresponding to the first and second image reproduce mode, and further itself is automatically forced to be suppressed to a third position different from each of the first position and the second position when said operation member is not operated by a user; and a control unit which controls mode switching of said image pickup apparatus so as to switch over the mode thereof between the first pickup mode and the second pickup mode if said operation member is operated to the first position when said image pickup apparatus is in one of the first image pickup mode and the second image pickup mode, switch over the mode of said image pickup apparatus to one of the first image reproducing mode and the second image reproducing mode if said operation member is operated to the second position when said image pickup

apparatus is in one of the first image pickup mode and the second image pickup mode, switch over the mode of said image pickup apparatus between the first image reproducing mode and the second image reproducing mode if said operation member is operated to the second position when said image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode, switch over the mode of said image pickup apparatus to one of the first image pickup mode and the second image pickup mode if said operation member is operated to the first position when said image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode, and continue the mode corresponding to the position to which said operation member is operated to one of the first position and the second position, even if said operation member is automatically forced to the third position after said operation member is operated to one of the first position and the second position. Independent method claim 12 includes like features and has been similarly amended.

As can be appreciated from the above, amended independent claims 1 and 11 now both clearly recite that the image pickup apparatus of the subject invention is arranged to have an operation member which is automatically forced to be suppressed to a third position different from each of first and second positions corresponding respectively to first and second modes when the operation member is not operated by a user. These claims have been further amended to recite that the apparatus is also arranged to effect control so as to continue the mode corresponding to the position to which the operation member is operated to one of the first position and the second position, even if the operation member is automatically forced to the third position after the operation member is operated to one of the first position and the second position.

Such features, in combination with the other features of the claims, are not taught or

suggested by the cited Kudo reference, Shigemoto, et al. patent and Ejima, et al reference. More particularly, the Kudo reference discloses a video camera having a mode dial 206 which can be rotated in a first direction from an OFF position, which turns the camera off, to a CAMERA position which causes the camera to record images. The mode dial can also be rotated from the OFF position in a second direction opposite to the first direction to a PLAYBACK position which causes the camera to playback recorded images.

The Examiner acknowledges that the Kudo reference does not teach or suggest an operation member which is automatically forced to be suppressed to a third position different from each of first position and the second position when said operation member is not operated by a user. Thus, the Kudo reference also can not and does not teach or suggest to continue the mode corresponding to the position to which the operation member is operated to one of the first position and the second position, even if the operation member is automatically forced to the third position after the operation member is operated to one of the first position and the second position.

Applicant's amended independent claims 1, 8, 11 and 12, and their respective dependent claims, all of which recite these features, thus patentably distinguish over the Kudo reference.

The Examiner has additionally cited the Shigemoto, et al. patent and states that "Shigemoto teaches a rotary electronic switching device (Fig. 7) which can be pushed to a side by force and returned to initial neutral position when the pushing force is removed." The Examiner then concludes that the combination of the Kudo and Shigemoto, et al. references would result in applicant's claimed invention.

Applicant disagrees. The Shigemoto, et al patent discloses a rotary electronic device arranged so that a manipulation knob 30 is returned to a neutral position by means of a torsion

coil spring 36. This electronic device includes a rotary variable resister to provide an output in a stepless mode. However, the Shigemoto, et al. patent fails to teach or suggest to continue the mode corresponding to the position to which the knob is operated to one of first and second positions corresponding respectively to different modes, even if the knob is automatically forced to the neutral position after the knob is operated to one of the first position and the second position.

Thus, the combination the Kudo reference and the Shigemoto, et al patent would still fail to teach or suggest the claimed features of applicant's independent claims 1, 8, 11 and 12, and their respective dependent claims and, in particular, the combined features of these claims including an apparatus having an operation member which is automatically forced to be suppressed to a third position different from each of first position and the second position when said operation member is not operated by a user and to continue the mode corresponding to the position to which the operation member is operated to one of the first position and the second position, even if the operation member is automatically forced to the third position after the operation member is operated to one of the first position and the second position.

Applicant's amended independent claims 1, 8, 11 and 12, and their respective dependent claims, thus patentably distinguish over the combination of the Kudo reference and the Shigemeoto, et al. patent. The Ejima, et al. reference merely teaches the use of an operation button in different modes. Thus, the Ejima, et al reference fails to add anything to the Kudo reference and the Shigemeoto, et al. patent to result in applicant's claimed invention.

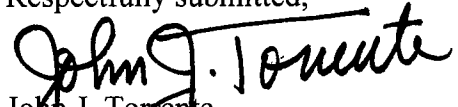
In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is

respectfully requested.

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